



# भारत का राजपत्र The Gazette of India

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सं. 48] नई दिल्ली, नवम्बर 22—नवम्बर 28, 2015, शनिवार/अग्रहायण 1—अग्रहायण 7, 1937  
No. 48] NEW DELHI, NOVEMBER 22—NOVEMBER 28, 2015, SATURDAY/AGRAHAYANA 1—AGRAHAYANA 7, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 26 नवम्बर, 2015

**का.आ. 2205.**—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड.) के उप-खंड (ii) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, श्रीमती ऊषा अनंतसुब्रमणियन, प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी, पंजाब नेशनल बैंक का तत्काल प्रभाव से अगले आदेश होने तक श्री बी. के. बत्रा के स्थान पर भारतीय निर्यात-आयात बैंक (एक्जिम बैंक) के निदेशक मण्डल में निदेशक नामित करती है।

[फा. सं. 9/16/2012-आईएफ-1]

ए. के. डोगरा, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 26th November, 2015

**S.O. 2205.**—In pursuance of Sub-clause (ii) of Clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Smt. Usha Ananthasubramanian, MD and CEO, Punjab National Bank as a Director on the Board of Export Import Bank of India (EXIM Bank) vice Shri B.K. Batra with immediate effect and until further orders.

[F. No. 9/16/2012-IF-I]

A. K. DOGRA, Dy. Secy.

**विदेश मंत्रालय**

(सी.पी.वी. प्रभाग)

नई दिल्ली, 16 नवम्बर, 2015

**का.आ. 2206.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री चेतन आनंद, ए. पी. डब्ल्यू. और श्री राजेश रौशन, निम्न श्रेणी लिपिक को 16 नवम्बर, 2015 से भारत के दूतावास, मास्को में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2015]

प्रकाश चन्द, उप-सचिव (कौंसुलर)

**MINISTRY OF EXTERNAL AFFAIRS**

(CPV DIVISION)

New Delhi, the 16th November, 2015

**S.O. 2206.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises (1) Shri Chetan Anand, APWO and (2) Shri Rajesh Roushan, LDC in Embassy of India, Moscow to perform the Consular services as Assistant Consular Officer with effect from 16 November, 2015.

[No. T-4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 19 नवम्बर, 2015

**का.आ. 2207.**—राजनयिक और कौंसुलीय अधिकारी (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री विकास कुमार, सहायक को 19 नवम्बर, 2015 से भारत के कौंसुलावास, मेक्सिको सिटी में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2015]

प्रकाश चन्द, उप-सचिव (कौंसुलर)

New Delhi, the 19th November, 2015

**S.O. 2207.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Vikas Kumar, Assistant in Embassy of India, Mexico City to perform the Consular services as Assistant Consular Officer with effect from 13 November, 2015.

[No. T-4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

**नागर विमानन मंत्रालय**

(एएआई अनुभाग)

नई दिल्ली, 14 अक्टूबर, 2015

**का.आ. 2208.**—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्वारा, श्री ए. के. दत्ता, कार्यपालक निदेशक, एएआई को 75000-10000 रु. के वेतनमान की अनुसूची 'क' में 1 अक्टूबर, 2015 से पांच वर्षों की अवधि, अथवा उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, के लिए सदस्य (विमान दिक्चालन सेवाएं) के रूप में नियुक्त करती है।

[सं. एवी. 24011/240/2015-एएआई -नागर विमानन मंत्रालय]

के. वी. उन्नीकृष्णन, अवर सचिव

**MINISTRY OF CIVIL AVIATION**

(AAI SECTION)

New Delhi, the 14th October, 2015

**S.O. 2208.**—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994), the Central Government hereby appoint Shri A. K. Dutta, Executive Director, AAI as Member (Air Navigation Services), Airports Authority of India in Schedule 'A' scale of pay of Rs. 75000—10000 with effect from forenoon of 1st October, 2015 for a period of five years or till the date of his superannuation or until further orders, whichever is the earliest.

[No. AV. 24011/240/2015-AAI-MOCA]

K.V. UNNIKRISHNAN, Under Secy.

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय**

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 23 नवम्बर, 2015

**का.आ. 2209.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है:

## अनुसूची

भारतीय मानक संख्या	भाग	अनु- भाग	वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क (रु.)		इकाई दर स्लैब 1 (रु.)	स्लैब में इकाईयां	शेष	प्रचालन तिथि
						वृहद स्तर	एम.एस. एम.ई.				
711	-	-	1970	फेरिक क्लोराईड तकनीकी	टन	57600*	46100*	8	सभी	-	20.11.2015

\*सभी भुगतान पर सर्विस टैक्स देय हैं ।

[संदर्भ : सीएमडी-2(एफसीटी)/16 : 711]

सी. के. महेश्वरी, वै. जी. एवं उपमहानिदेशक (प्रमाणन)

## MINISTRY OF CONSUMERS AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 23rd November, 2015

**S.O. 2009.**—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule:

## SCHEDULE

IS No.	Part	Sec.	Year	Product	Units	Minimum Marking Fee (Rs.)	Unit Rate	Units in	Remain- ing	Effective Date
						Large Scale	MSME Units	Slab-1	Slab-1	
711	-	-	1970	Ferric Chloride, Technical (First Revision)	Ton	57600*	46100*	8	All	- 20.11.2015

\*All payment shall be taken in advance along with applicable Service Tax as per Annex-18 of OMPC 2004.

[Ref: CMD-II (FCT)/16 : 711]

C.K. MAHESHWARI, Sc. G & DDG (Cerification)

## परमाणु ऊर्जा विभाग

## आदेश

मुंबई, 26 नवम्बर, 2015

**का.आ. 2210.**—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियमावली, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) तथा नियम 24 के उपनियम (1) के अनुसरण में राष्ट्रपति एतद्वारा दिनांक 22 मई, 2013 के का.आ. सं. 1317(अ) के अनुसार भारत के राजपत्र : असाधारण, भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, परमाणु ऊर्जा विभाग के दिनांक 16 मई, 2013 के आदेश में निम्नलिखित संशोधन का निदेश देते हैं, नामतः :—

उक्त आदेश के अनुसूची में,—

- (क) भाग II, क्र.सं. 11 और 15 और उससे संबंधित प्रविष्टियों हेतु “सामान्य केंद्रीय सेवा, समूह ‘ग’ ” से संबंधित निम्नलिखित क्रम संख्या और प्रविष्टियां क्रमशः प्रतिस्थापित होंगी, नामतः :—

“11	इंदिरा गांधी परमाणु अनुसंधान केंद्र में पद	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, इंदिरा गांधी परमाणु अनुसंधान केंद्र	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, इंदिरा गांधी परमाणु अनुसंधान केंद्र	सभी	निदेशक, इंदिरा गांधी परमाणु अनुसंधान केंद्र” ;
“15	सामान्य सेवा संगठन, कल्याकम में पद	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, सामान्य सेवा संगठन, कल्याकम	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, सामान्य सेवा संगठन, कल्याकम	सभी	निदेशक, सामान्य सेवा संगठन, कल्याकम” ;
(ख)	भाग III, क्र.सं. 7 और 9 और उससे संबंधित प्रविष्टियों हेतु “सामान्य केंद्रीय सेवा, समूह ‘घ’ ” से संबंधित निम्नलिखित क्रम संख्या और प्रविष्टियां क्रमशः प्रतिस्थापित होंगी, नामतः :—				
“7	इंदिरा गांधी परमाणु अनुसंधान केंद्र में पद	प्रशासनिक अधिकारी—III, इंदिरा गांधी परमाणु अनुसंधान केंद्र	प्रशासनिक अधिकारी—III, इंदिरा गांधी परमाणु अनुसंधान केंद्र	सभी	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, इंदिरा गांधी परमाणु अनुसंधान केंद्र” ;
“9	सामान्य सेवा संगठन, कल्याकम में पद	प्रशासनिक अधिकारी—III, सामान्य सेवा संगठन, कल्याकम	प्रशासनिक अधिकारी—III, सामान्य सेवा संगठन, कल्याकम	सभी	निदेशक (पी एंड ए) अथवा मुख्य प्रशासनिक अधिकारी, सामान्य सेवा संगठन, कल्याकम” ;

[सं. 6(1)/2015-सतर्कता/16116]

ओ.टी.जी. नायर, उप सचिव

**टिप्पणी :** मूल आदेश, दिनांक 16 मई, 2013 के का.आ. 1317(अ) द्वारा भारत के राजपत्र के भाग II, खण्ड 3, उप-खण्ड (ii) में प्रकाशित किया था ।

## DEPARTMENT OF ATOMIC ENERGY

### ORDER

Mumbai, the 26th November, 2015

**S.O. 2210.**—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs to make the following order to amend the Order of the Government of India, Department of Atomic Energy, dated the 16<sup>th</sup> May, 2013 published in the Gazette of India: Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1317 (E), dated the 22<sup>nd</sup> May, 2013, namely :—

In the schedule to the said Order,—

(a)	Part-II, relating to “GENERAL CENTRAL SERVICE, GROUP ‘C’ ”, for serial No. 11 and 15 and the entries relating thereto, the following serial numbers and entries shall respectively be substituted, namely:—				
“11	Posts in the Indira Gandhi Centre for Atomic Research	Director (P and A) or Chief Administrative Officer, Indira Gandhi Centre for Atomic Research	Director (P and A) or Chief Administrative Officer, Indira Gandhi Centre for Atomic Research	All	Director, Indira Gandhi Centre for Atomic Research”;

“15	Posts in the General Services Organisation, Kalpakkam	Director (P and A) or Chief Administrative Officer, General Services Organisation, Kalpakkam	Director (P and A) or Chief Administrative Officer, General Services Organisation, Kalpakkam	All	Director, General Services Organisation, Kalpakkam”;
(b)	Part – III, relating to “GENERAL CENTRAL SERVICE, GROUP ‘D’”, for serial No.7 and 9 and the entries relating thereto, the following serial numbers and entries shall respectively be substituted, namely:—				
“7	Posts in the Indira Gandhi Centre for Atomic Research	Administrative Officer-III, Indira Gandhi Centre for Atomic Research	Administrative Officer-III, Indira Gandhi Centre for Atomic Research	All	Director (P and A) or Chief Administrative Officer, Indira Gandhi Centre for Atomic Research”;
“9	Posts in the General Services Organisation, Kalpakkam	Administrative Officer-III, General Services Organisation, Kalpakkam	Administrative Officer-III, General Services Organisation, Kalpakkam	All	Director (P and A) or Chief Administrative Officer, General Services Organisation, Kalpakkam”.

[No. 6(1)/2015/Vig./16116]

O. T. G. NAIR, Dy. Secy.

**Note :** The Principal Order was published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide number S.O. 1317 (E), dated the 16th May, 2013.

### सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय

नई दिल्ली, 24 नवम्बर, 2015

**का.आ. 2211.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन राष्ट्रीय लघु उद्योग निगम लिमिटेड के निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :

शाखा कार्यालय, वी.के.आई.ए., जयपुर, राष्ट्रीय लघु उद्योग निगम लिमिटेड, 513, अलंकार प्लाजा, सेन्ट्रल स्पिन विद्याधर नगर, जयपुर-302023 (राजस्थान) ।

[सं. ई-12016/01/2005-हिन्दी]

मनोज जोशी, संयुक्त सचिव

### MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES

New Delhi, the 24th November, 2015

**S.O. 2211.**—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Office of National Small Industries Corporation Limited under the control of the Ministry of Micro, Small and Medium Enterprises, whose more than 80% staff have acquired working knowledge in Hindi :

Branch Office, V.K.I.A. Jaipur, National Small Industries Corporation Limited, 513, Alankar Plaza, Central Spin Vidhyadhar Nagar, Jaipur-302023 (Rajasthan).

[No. E-12016/01/2005-Hindi]

MANOJ JOSHI, Jt. Secy.

### श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 24 नवम्बर, 2015

**का.आ. 2212.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रक्षा मंत्रालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 13/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/11/2015 को प्राप्त हुआ था।

[सं. एल-42025/3/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 24th November, 2015

**S.O. 2212.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 13/2015)

of the Central Government Industrial Tribunal-cum-Labour Court No.-1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Ministry of Defence and their workman, which was received by the Central Government on 23/11/2015.

[No. L-42025/3/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND  
DOGRA, PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT NO.1, KARKARDOOMA COURT  
COMPLEX, DELHI**

**ID No. 13/2015**

Ms. Uma Devi,  
W/o late Shri Mahabir Singh  
R/o 924/24, Geeta Colony,  
Near Double Fatak,  
Rohtak, Haryana

...Workman

#### Versus

1. Union of India  
Through Defence Secretary,  
South Block,  
New Delhi – 110 001
2. Director General,  
D.G.N.C.C.,  
Ministry of Defence,  
West Block-IV, R.K. Puram,  
New Delhi – 110 066
3. Deputy Director General/MS  
HQ D.G.N.C.C.,  
CSD Canteen, Ministry of Defence,  
West Block-IV, R.K. Puram,  
New Delhi – 110 066

...Managements

#### AWARD

This petition has been filed by Ms. Uma Devi, workman herein, under Section 2A(2) of the Industrial Disputes Act, 1947 (in short the Act) with the averment that she was appointed to the post of Sales Assistant/Girl by Directorate General NCC in CSD canteen on 30.05.1986. In her letter of appointment, her age of superannuation is mentioned as 55 years. Initially, she was employed on a salary of Rs. 644.00 per month. However, the same was revised from time to time. The workman herein has been performing her duties diligently and honestly and during her tenure that has been no incident of misconduct committed by her. It is also not disputed that the workman herein served the Unit Run Canteen of the Government is a Government servant, as this controversy has been settled in a catena of cases.

2. There also averments that an agreement was executed between the workman and HQ DG NCC (Management No.3) on 01.01.1992. Thereafter, on 28.04.2003, rules regulating terms and conditions of civilian employees of Unit Run Canteen were reframed by Director General, DGNCC (Management No.2) in view of the judgement of Hon'ble Supreme Court of India. In the month of March 2011, Respondent No.1 communicated to the workman herein that she has attained age of 55 years, therefore, the department is contemplating her retirement. Thereafter, she made a representation stating therein that as per latest rules regulating terms and conditions of service, civilian employees of Unit Run Canteen, the age of superannuation has been raised to 60 years and said period for 60 years is to be counted on the basis of her date of birth mentioned in her High School or Higher Secondary certificates. Thus, it is clear that as-per Rule 27, the age of superannuation is now 60 years and the services of the workman herein could not have been terminated in contravention of the above rules.

3. The workman herein had impugned the oral decision of the respondent by filing of writ petition civil No. 2908/2011 and CM 6341/11 before the Hon'ble High Court of Delhi. However, the same was dismissed as not maintainable in view of the judgement passed by the Division Bench, Hon'ble High Court of Delhi in the case of Shashikant v. Union of India decided on 23.07.2012. Thus, the workman herein was left with no remedy except to approach the Conciliation Officer before raising an industrial dispute. Since the Conciliation Officer did not decide the proceedings within the mandatory period of 45 days as stipulated under the Industrial Disputes Act, as such after the expiry of 45 days, the workman herein has no remedy but to seek relief from this Tribunal.

4. Notices were sent to Respondent Nos.1, 2 and 3, and perusal of the record shows that despite service of the notice, the respondents did not bother to attend the proceedings before this Tribunal. Resultantly, the respondents were proceeded ex-parte by this Tribunal vide order dated 08.05.2015.

5. Workman, in support of her claim, examined herself as WW1 and tendered her affidavit in evidence Ex.WW1/A, alongwith documents as well as copies of judgement passed by Hon'ble High Court in WP(C) No. 7359/99. Since nobody was representing the management, as such, workman herein was not cross-examined.

6. Shri Sanjay Sharma, appearing on behalf of the workman herein strongly urged that termination of services of the workman herein is totally in violation of principles of natural justice and fair play and latest rules governing appointment of such employees is as per date of birth in matriculation certificate, and as such she has not attained the age of 60 years when she was orally sacked by the management. It is clear from letter of



appointment letter dated 30.05.1986 Ex. WW1/1 that the workman herein was appointed as Sales Assistant/Girl with effect from 02.06.1986. Para 2 of the said letter shows that her consolidated pay was Rs. 646.00 per month and in para 5, her age of retirement is 55 years. This letter is issued from the office of Director General NCC, i.e. Management No. 2. There is also an agreement signed by the workman herein with Management, Ex. WW1/2 dated 01.01.1992 and clause 10 of the said agreement reads as under:

“Retirement age

10. 55 years extendable upto 58 years under exceptional circumstances at the discretion of the Employer. Any extension beyond 58 years upto 60 years may be revised on yearly basis.

7. Workman herein has also produced rules regulating terms and conditions of civilian employees of the Unit Run Canteen paid out of non public funds dated 28.04.2003 Ex. WW1/3. It is necessary to mention here that these rules/regulations were framed by the management in view of Contempt Petition No. 243-247 of 2001 filed by All India Defence Civilian Employees and Other vs. Mr. Yogendra Narain, IAS, Defence Secretary and Others for non-compliance of the orders of Hon’ble Supreme Court of 04.01.2001 passed in Civil Appeal No.1039-1043 of 1999 entitled Union of India and Others vs. M. Aslam and others. As per directions of the Hon’ble Supreme Court, revised copy of the rules regulating the terms and conditions of service of such employees paid out of non public funds was ordered to be circulated to all the Commands of the Army, Navy and Air Force. Thus, it is clear from perusal of Clause 3 of the rules that this rule shall apply to all civilian employees of Unit-Run canteen out of non public funds but shall not apply to any person engaged on daily wages or on casual employment or to those hired on contractual basis whose conditions of service will be regulated by their appointment letters. These rules shall also not apply to serving defence personnel who may for the time being be detailed to work therein in any capacity whatsoever in addition to their own duties.

8. Sub-section (b) of Clause 3, of the above rules reads as under:

‘These rules will govern the terms and conditions of the Unit Run Canteen employees serving in various Unit Run Canteens as on 04.01.2001 and on subsequent days and will bring forth uniformity on matters governing the terms and conditions of such employees.’

9. It is clear from perusal of the above clause the employees who were serving in the Unit Run Canteenas on 04.01.2001 shall be duly governed by the above rules. Clause 27 of the above rules is as under:

‘Superannuation

- (a) An employee shall be superannuated on attaining age of 60 years.

- (b) The age as mentioned in the High School or Higher Secondary Certificate shall be considered as age for the purpose of Sub-Rule (a) above. In case any employee who has not passed the High School/Higher Secondary or equivalent examination, the certificate of age provided either by District Magistrate or Sub-Divisional Magistrate, Block Development Officer shall be treated as proof of age.’

10. It is pertinent to note here that other employees serving in such canteens have superannuated at the age of 60 years, which is clear from perusal of Annexure P-6, which shows that Sub. Surat Singh, whose date of birth is 01.04.1951 retired from the job on 31.03.2011, after attaining the age of 60 years. Same is the case with other employees of the canteen, i.e. Sub. Chattar Pal Singh, Sub. Maj. R.D. Koslia, Hav. Ved Prakash etc.

11. I have also gone through the proceedings before the Conciliation Officer, though the same has not been proved nor the same is required to be proved in order to buttress the case of the workman. However, stand of the management appears to be that the workman in question, Ms. Uma Devi was a contractual employee of the Unit Run Canteen and she was paid wages out of a Regimental Fund which cannot be construed as non-public fund. Hence Rule 27 would not apply to her, To my mind, there is no force in the stand taken by the management before the Conciliation Officer, inasmuch as even in the first letter of appointment, Ex. WW1/1, workman herein was appointed as Sales Assistant/Girl on TY basis and here retirement age is mentioned as 55 years. Thus, she was not a daily wage or a casual employee nor her services should have been terminated in the manner done by the management. It is also crystal clear that agreement Ex. WW1/2 entered into between the workman and the management nowhere provides that the same would not apply to the workman herein, If it was so, there was no need to enter into such agreement between the workman herein and the management. The agreement clearly details rules regarding resignation/termination, working hours, pay scales, increments etc. and Clause 10 provides that retirement age is extendable upto 58 years in exceptional circumstances at the discretion of the employer, Signature of Ms. Uma Devi, workman herein, as employee, appears on this document. Subsequent rules regulating terms and conditions of service of other employees of the Unit Run Canteen Ex. WW1/3 clearly provides that age of retirement of employees of Unit Run Canteens as per Rule 27 would be 60 years. There is nothing in the above rules to show that the case of the workman herein could not be governed by such rules. Rather, definition of Unit Run Canteen employees in clause (h) reads as under:

‘Unit Run Canteen Employees’ means a person who is appointed as employee of such canteens under these Rules.

12. There is nothing on record to show that the workman herein is not covered under the definition of 'Unit Run Canteen' employee as defined in the above Section. These rules also details that acts of commission/omission constituting misconduct etc.

13. It is clear from the evidence as well as documents on record that no written order of termination against the workman herein was passed by the management. Probably, this was not done as she attained the age of only 55 years. However, it is apparent from the discussion made herein above as per latest rules, filed as Ex. WW1/3, which are applicable so far as terms and conditions of the workman herein is concerned, and the age of retirement is 60 years. The said rule clearly provides that same would apply with immediate effect and would come into force on 04.02.2001. Admittedly, on, that day, workman herein was in service and she was entitled to the benefit of the above rule. Since the workman appears to have been allowed to superannuate at the age of 55 years, whereas she as to continue upto the age of 60 years, unless her services have been terminated or she was dismissed from service in accordance with law. There is nothing on record to suggest that what action was taken by the management on the representation made by the workman herein. Management was required to atleast apprise the workman as to why she was not being allowed to serve the Canteen after attaining the age of 55 years. The very fact that the management has not taken care to contest the present case also shows the casual and lackadaisical attitude of the management. Net result of the above discussion is that the workman herein should have legally continued in service upto the age of 60 years as per the latest-rules and here termination or superannuation at the age of 55 years is patently wrong and illegal. It is further clear from letter dated 08.02.2003 relied upon by the workman herein and issued by the Ministry of Defence to the Chief of Army staff, Chief of Naval Staff and Chief of the Air Staff that non-compliance of the judgment dated 04.01.2001 of the Hon'ble Supreme Court, rules regulating terms and conditions regarding services of Unit Run Canteen employees were framed with approval of the Ministry of Finance. However, the above terms and conditions are not being followed strictly by the various units/Unit Run Canteen managements. Some examples of non compliance have come to the notice of the Ministry relating to termination/dismissal of the employees without assigning any reason in Station HQ Canteen, Sangroor, Punjab, Avadi Base Hospital, Lucknow and Command Hospital, Chandi Mandir Canteen, Pathankot. Some employees are working even beyond the age of superannuation, i.e. beyond the age of 60 years. This also clearly shows that the management, at some places, is acting in an arbitrary manner and not following rules and regulations discussed above.

14. In the case in hand, it is clear that the workman herein, Ms. Uma Devi's date of birth is 01.01.1956.

During the course of arguments, original of her Matriculation Certificate was shown and photocopy of the same has been retained on record. It is clear that Ms. Uma Devi has not attained the age of superannuation as per the latest regulations applicable in this regard.

15. As a corollary to the above, it is held that the workman herein is entitled for reinstatement with immediate effect and payment of salary as well as all consequential benefits to which she is/was otherwise entitled had she been in service. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 the Industrial Disputes Act, 1947, for publication.

Dated: November 2, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2015

**का.आ. 2213.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रक्षा मंत्रालय के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 24/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/11/2015 को प्राप्त हुआ था।

[सं. एल-14012/32/2014-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 24th November, 2015

**S.O. 2213.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 24/2015) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Ministry of Defence and their workman, which was received by the Central Government on 23/11/2015.

[No. L-14012/32/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO.1, KARKARDOOMA COURT COMPLEX, DELHI**

**ID No. 24/2015**

Shri Rajesh Tiwari,  
S/o late Shri J.P. Tiwari,  
R/o 2297, Lodhi Complex,  
Pocket 3,  
New Delhi-110003

...Workman



**Versus**

1. Union of India  
Through Defence Secretary,  
South Block,  
New Delhi – 110 001
2. Director General,  
D.G.N.C.C.,  
Ministry of Defence,  
West Block-IV, R.K. Puram,  
New Delhi – 110 066
3. Deputy Director General/MS  
HQD.G.N.C.C.,  
CSD Canteen, Ministry of Defence,  
West Block-IV, R.K. Puram,  
New Delhi – 110 066

...Managements

**AWARD**

Shri Rajesh Tiwari, the workman herein initially filed a petition under sub section 2 of section 2A of the Industrial Disputes Act, 1947 (in short the Act) on 15.01.2015. Later on, reference was received by this Tribunal under section 10(2)(a) read with clause 1(d) of the Industrial Disputes Act, 1947 from the appropriate Government vide letter No.L-14012/32/2014-IR(DU) dated 29.01.2015 with following terms of reference:

‘Whether the dismissal of service of the workman, Shri Rajesh Tiwari is just and legal? If not, is the workman entitled to reinstatement with back wages and its cascading effect? If the dismissal is not illegal, should the workman be not given his PG Gratuity and other dues to which the workman is entitled to?’

2. Brief facts giving rise to filing of the present case are that Shri Rajesh Tiwari, the workman herein, as appointed as a store keeper on 16.09.1985 in the CSD Canteen run by Ministry of Defence, the management. He continued to serve till 10.03.2000. There are averments that on 10.03.2000, Station House Officer, Police Station Delhi Cantt visited the Headquarter DG, NCC and informed that a truck containing 400 crates containing 24 cans each of Cocoa Cola and Fanta has been intercepted by the police when the said items were being sold in the market. Police found that the items were meant for CSD of Head Quarters, DG NCC, Delhi. Thereafter, management ordered an enquiry to check and verify the stock and Col. Man Singh, Director in Headquarter DG, NCC carried out physical checking and submitted its findings on 11.03.2003 where he found that 200 crates containing 24 cans of Cocoa Cola was found short and 200 crates containing 24 cans each of Fanta were found short. Statement of the workman herein was also recorded during the course of enquiry. It was alleged against the workman that he joined hands with Shri Devki Nandan who bought the stock on 09.03.2000 from representative of the supplier

M/s. Cocoa Cola Beverages Ltd. On the basis of the above allegations, workman herein was charge sheeted and departmental enquiry was ordered to be conducted against him vide order dated 04.07.2001.

3. It is pertinent to mention here that on the basis of the above allegations, a criminal case bearing FIR No.106 of 2000 was also registered at PS Delhi Cantt under Section 420/406/34 IPC against the workman herein as well as Shri Devki Nandan and Mohd. Tavrej Anwar. The workman herein was placed under Column No.4 and vide a order dated 01.07.2008, learned Metropolitan Magistrate discharged the workman holding that there was not even an iota of evidence even prima facie against the workman herein in the crime. The workman herein remained in judicial custody and the departmental enquiry was conducted when he remained in jail. He was made to sign certain blank papers which were later on used against him in the enquiry. Even on 24.03.2000, the workman was unwell and had visited the OPD of the Hospital.

4. Thereafter, order of dismissal from service was passed vide order dated 28.01.2011 Ex.WW1/4 under rule 42(D)/Section 4 of the Terms and Conditions of Service of HQ DG NCC of Unit Run Canteen. Workman thereafter filed OA No.1796 of 2001 before the Central Administrative Tribunal, Principal Bench, New Delhi and the Hon’ble Tribunal set aside the order of dismissal on the grounds that entire enquiry has been vitiated having been conducted inside the jail at the time when the workman was in judicial custody. Hon’ble CAT also ordered reinstatement of the workman herein and ordered to hold fresh enquiry. Management could not complete the enquiry within the stipulated time and management filed CWP bearing No.7605 of 2003 before the Hon’ble High Court, Delhi wherein extension of time to complete the enquiry was granted, subject to payment of cost of Rs.15000.00 vide order dated 16.01.2004. Later on, vide order dated 31.03.2004 management without providing copy of Enquiry Report and recording submissions of witness/es, dismissed the workman from service on 31.03.2004.

5. Again, the workman herein filed an OA No.2620 of 2004 before the Hon’ble CAT and the said OA was disposed off on 29.10.2004 with direction to the workman to file an appeal against the order dismissal and the same was rejected by the Appellate Authority without assigning any reason. On 21.03.2007, workman again received a letter from the Canteen Officer wherein it was stated the Appellate Authority has directed the DG, NCC to complete the enquiry against the workman herein, setting aside the dismissal order dated 31.03.2004 against the workman. Vide this letter workman was reinstated in service. Thereafter, fresh enquiry alongwith memorandum of charges was initiated against the workman. The workman also made a representation to the canteen officer alleging that fresh enquiry was against the order of Hon’ble CAT passed in

MA No.1088 of 2006 in OA No.781 of 2005. Even during the course of enquiry, findings so given by the Enquiry Officer that charges could not be proved against the workman but the Disciplinary Authority disagreed with the findings of the Enquiry Officer on 03.01.2011 and issued disagreement note calling upon the workman to file his reply thereto. Even at that time, no enquiry report was given to the workman despite the fact that the workman had filed his reply on 24.01.2011 before the Disciplinary Authority. Ultimately, vide order dated 28.01.2011, major penalty of dismissal from service was imposed on the workman herein ignoring the judgement of the Hon'ble High Court as well as CAT.

6. Management was put to notice to file their reply the statement of claim filed by the workman herein. But nobody appeared on behalf of the management and as such, management was proceeded ex-parte vide order dated 10.06.2015.

7. Claimant, in support of his case, examined himself as WW1 and proved in evidence various documents, i.e. opinion of departmental enquiry committee Ex.WW1/1, order on charge Ex.WW1/2, order of CAT Ex.WW1/3, Order of dismissal by the DA Ex.WW1/4, Order dated 10.09.2013 of the Hon'ble High Court Ex.WW1/5 and order on SLP WW1/6.

8. It is clear from perusal of the various documents filed that at the relevant time, claimant herein was working as a store keeper in CSD canteen run by HQ DG, NCC under the overall supervision of the canteen manager in the rank of Naik Subdar and canteen Official, Shri Dalip Kumar. This fact is duly established from the opinion of the Departmental Enquiry Committee Ex.WW1/1. Record also shows that in the instant case, CSD Depot prepared a consolidated demand for soft drinks Cocoa Cola/Fanta on Hindustan Cocoa Cola Beverage Pvt. Ltd. vide demand No.LS 110006715 dated 24.02.2000 against which Hindustan Cocoa Cola Beverage Pvt. Ltd. prepared commercial invoice No.CI-2388 dated 09.03.2000 raised on CSE Depot, Delhi Cantt. for supply of 625 cases of Cocoa Cola/Fanta. Case of the management is apparent in the charge sheet as is evidence in Ex.WW1/1 and other documents that when consignment of 625 cans of Cocoa Cola/Fanta arrived directly at HQ DG, NCC only 225 cans were off loaded. The canteen manager also signed for the full consignment of the cans under commercial invoice dated 09.03.2000 and balance of 400 cans of Cocoa Coal and Fanta were taken by Shri Devki Nandan Sharma to Tigris Road where he was apprehended by Delhi Police. In fact he was attempting to dispose off the stock to unauthorized persons, when he was nabbed by the police. Now the vital question arises as to what was the role of the workman herein in the unauthorized pilferage of the above items which were said to be sold to unauthorized persons. Admittedly, workman herein was not nabbed by the police on the spot and Ex.WW1/1 clearly shows that it

was Shri Devki Nandan who was apprehended by the police on the spot when tried to dispose off the stock to unauthorized persons. It is also clear that the canteen manager has signed for the full consignment of the cans in the commercial invoice CI 2388 dated 09.03.2000.

9. Record of the case shows that regarding the above illegal act, FIR No.106/2000 was fled against the workman herein alongwith two other accused Devki Nandan and Mohd. Tavrej Anwar. It is not out of place to mention here that the workman herein was shown as accused in column No.4 of the charge sheet, which itself shows that he was not the principal accused. After filing of the challan, the learned Metropolitan Magistrate vide order dated 01.07.2008 discharged the accused in the offence under section 420/406/34 IPC and relevant portion of the order dated 01.07.2008 of the learned Magistrate reads as under:

'Both the accused Devki Nandan and Md. Tavrej were apprehended while off loading surplus cold drinks cases alongwith one Md. Abdul Ansari however said Md. Ansari was not charge sheeted in view of his statement dated 10.03.2000 recorded during investigation. There is also no other material available showing involvement of Md. Ansari in the present case. From the entire material available on record, prima facie a case u/s 420/406/34 IPC is clearly made out qua accused Devki Nandan and Md. Tavrej only.

In view of the above discussed facts and circumstances, accused Rajesh Tiwari is hereby discharged. Let a charge be framed against accused Devki Nandan and Md. Tavrej for the commission of offence u/s 420/406/34 IPC. List the matter on 13.08.2008 for framing of charge.'

10. It is crystal clear from perusal of the above order that the workman herein was discharged of the offence u/s 420/406/34 IPC by the learned Magistrate vide order dated 01.07.2008 and there is nothing to show that no appeal or revision against the said order was prayed by any aggrieved party, i.e., the management herein. Perusal of the above order also indicates that the learned Magistrate has passed a reasoned and speaking order taking in to account all the relevant facts and circumstances under consideration and then concluded that no case is made out against the workman herein.

11. It is necessary to mention herein that initially enquiry was conducted against the workman herein when he was in judicial custody and later on said order was challenged before CAT Principal Bench, New Delhi, who vide order dated 21.01.2002 set aside the order of dismissal passed against the workman herein on the grounds that the entire enquiry was vitiated having been conducted inside the jail when the workman was in judicial custody and perusal of the order Ex.WW1/3 also shows that the Hon'ble CAT directed reinstatement of the workman and

ordered conducting of fresh enquiry to be completed within four months. Since the enquiry could not be completed within the stipulated period for four months, as such, the management sought extension of time, which was not allowed by the CAT. Thereafter matter was taken up by way of WP No.7605 of 2003 before the Hon'ble High Court of Delhi, who allowed petition of the management, granting extension of time to complete the enquiry within one month, subject to cost of Rs.15,000.00 vide order dated 16.01.2004. It was thereafter that management in a slipshod manner, rather in a perfunctory manner, completed the enquiry without affording opportunity to the workman to produce evidence, as a result of which workman was dismissed from service order dated 31.03.2004. This order passed by the management was also impugned by way of OA No.2620 of 2004 before the Hon'ble CAT and in the said OA, direction was given to the workman herein to file an appeal. However, appeal filed by the claimant was also rejected without assigning any reason by the Appellate Authority vide order dated 28.01.2011. Thereafter, claimant herein filed OA No.781 of 2006 before CAT and direction was given to the management to place the appeal of the workman before the appropriate Appellate Authority. Again on 21.03.2007, claimant herein received letter from the canteen officer which was accompanied by letter dated 26.02.2002 wherein it was stated that the Appellate Authority has directed the DG, NCC to complete the enquiry against the workman and order of dismissal passed against the workman on 31.03.2004 was set aside and workman was reinstated in service. On 11.04.2007, again a letter was received by the workman herein from DDG, MS that fresh enquiry is being initiated against the workman herein. Upon this, the claimant herein made a representation that this was completely contrary to the directions given by the Hon'ble CAT in MA No.1088 of 2006 in OA No.781 of 2005. Despite the fact that the Enquiry Officer gave his mind that no case is established against the workman herein, Disciplinary Authority disagreed with the findings of the Enquiry Officer on 03.01.2011 and issued disagreement notice calling upon the workman to file reply. Copy of the enquiry report was not given to the workman despite the fact that the workman had filed reply on 24.01.2011 before the Disciplinary Authority without giving any reason on 28.01.2011 against major penalty of dismissal from service vide Ex.WW1/4.

12. Learned A/R for the claimant, during the course of arguments, argued that the claimant herein has been discharged by the learned Magistrate vide order dated 01.07.2008 and in that eventuality management should not have initiated further enquiry against the workman herein, who was liable to be exonerated of the charges leveled against him. In this regard, learned A/R for the claimant placed reliance in the case of Capt. Paul Anthony vs. Bharat Gold Mines Ltd. (1999) 3 SCC 679 wherein legal question was whether on the same set of facts, departmental enquiry

can be initiated against an employee along with criminal case simultaneously. After discussing facts and case law on the subject, it was concluded in para 22 and 34 of the judgement by the Hon'ble Apex Court as under:

22. The conclusions which are deducible from various decisions of the Court referred to above are:
  - (i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.
  - (ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
  - (iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.
  - (iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the Departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.
  - (v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest.

There is yet another reason for discarding the whole of the case of the respondents. As pointed out earlier, the criminal case as also the departmental proceedings were based on identical set of facts, namely, 'the raid conducted at the appellant's residence and recovery of incriminating articles



therefrom.’ The findings recorded by the Inquiry Officer, a copy of which has been placed before us, indicate that the charges framed against the appellant were sought to be proved by Police Officers and Panch witnesses, who had raided the house of the appellant and had effected recovery. They were the only witnesses examined by the Inquiry Officer and the Inquiry Officer, relying upon their statements, came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case but the court, on a consideration of the entire evidence, came to the conclusion that no search was conducted nor was any recovery made from the residence of the appellant. The whole case of the prosecution was thrown out and the appellant was acquitted. In this situation, therefore, where the appellant is acquitted by a judicial pronouncement with the finding that the “raid and recovery” at the residence of the appellant were not proved, it would be unjust, unfair and rather oppressive to allow the findings recorded at the ex- parte departmental proceedings, to stand.

Since the facts and the evidence in both the proceedings, namely, the departmental proceedings and the criminal case were the same without there being any iota of difference, the distinction, which is usually drawn as between the departmental proceedings and the criminal case on the basis of approach and burden of proof, would not be applicable to the instant case.’

13. Further, in the case of *Union of India vs. Naman Singh Shekhawat* (2008) 4 SCC 1 wherein it has been held that after acquittal, initiation of departmental enquiry is permissible but exercise should be bona fide. In the case of *Divisional Controller Karnataka State Road Transport Corporation vs. MG Vittal Rao*, (2012) 1 SCC 442, it has been held as under:

21. There are evidently two lines of decisions of this Court operating in the field. One being the cases which would come within the purview of *Capt. Paul Anthony v. Bharat Gold Mines Ltd.* and *Another* [(1999) 3 SCC 679] and *G.M. Tank v. State of Gujarat and Others* [(2006) 5 SCC 446]. However, the second line of decisions show that an honourable acquittal in the criminal case itself may not be held to be determinative in respect of order of punishment meted out to the delinquent officer, inter alia, when :

- (i) the order of acquittal has not been passed on the same set of fact or same set of evidence; (ii) the effect of difference in the standard of proof in a criminal trial and

disciplinary proceeding has not been considered. [See *Commissioner of Police, New Delhi v. Narender Singh* (2006) 4 SCC 265], or; where the delinquent officer was charged with something more than the subject-matter of the criminal case and/or covered by a decision of the Civil Court.

22. We may not be understood to have laid down a law that in all such circumstances the decision of the civil court or the criminal court would be binding on the disciplinary authorities as this Court in a large number of decisions points point that the same would depend upon other factors as well. See e.g. *Krishnakali Tea Estate V. Akhil Bharatiya Chah Mazdoor Sangh & Anr.* [2004 (8) SCC 200] and *Manager, Reserve Bank of India Bangalore V. S. Mani & Ors.* [2005 (5) SCC 100]. Each case is, therefore, required to be considered on its own facts.

14. There is hardly any dispute with the proposition of law enunciated in the above rulings. Yet Hon’ble Supreme Court in *Union of India vs. Bhagat Singh* while dealing with the question of simultaneous holding of departmental enquiry as well as initiation of criminal case against the delinquent employee, it was held as under:

‘It is well settled that where misconduct alleged against a government employee leads to a criminal case as well as departmental enquiry, the outcome of criminal case is not necessarily to clinch the departmental enquiry. To illustrate, if an allegation of embezzlement of government money results in an FIR registered against delinquent official and the competent authority is prompted to direct a departmental enquiry, acquittal of delinquent official, of the charges is not to automatically exonerate the delinquent official of charges in departmental enquiry and his reinstatement. The reason being that standard of proof in a criminal trial is different from one required in departmental enquiry. While in a criminal trial the prosecution has to prove its case beyond reasonable doubt and even the lapse on the part of the investigating officer or the prosecution may earn the accused acquittal, same is not true about departmental enquiry wherein even an admission by the delinquent official may be considered by the enquiry officer to return findings of guilt against the employee.’

15. While making the aforesaid observations, strong reliance was placed by the Hon’ble Apex Court in the case of *Ajit Kumar Nag vs. General Manager (P) Indian Oil Corporation Ltd.* (AIR 2005 SC 4217), wherein it was held that law is fairly well settled that acquittal by a criminal

court would not debar an employer from exercising power in accordance with rules and regulations in force. The two proceedings, criminal and department, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with service Rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused 'beyond reasonable doubt', he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of 'preponderance of probability'. Thus, it is clear that both departmental proceedings as well as criminal case can continue. However, enquiry report is supposed to be kept in mind if clear cut finding has been given by Criminal Court regarding misconduct of the accused, if subject matter of the enquiry before the employer and allegations contained in criminal case are based upon the same set of circumstances. Even otherwise, decision of the court is always relevant even between the same parties qua the same subject matter. In the case in hand, situation is even worse. Learned Magistrate vide order dated 01.07.2008 did not even think it proper to frame charges against the accused, i.e. workman herein and discharged him of the offence under Section 420/406/34, which clearly shows that discharge of the claimant herein is like honorable acquittal.

16. As a sequel to my detailed discussion hereinabove, it is held that the management has failed to prove any charge against the claimant herein and as such order of dismissal, Ex.WW1/4 passed by the Disciplinary Authority is held to be against the principles of natural justice as well as null and void. Consequently, claimant herein is liable to be reinstated in service and would be deemed to be in service from the date of dismissal and shall be entitled to all consequential benefits to which he is/was otherwise entitled had he been in service. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : November 4, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2015

**का.आ. 2214.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुनिसिपल कोर्पोरेशन ऑफ दिल्ली (नोर्थ) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 70/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/11/2015 को प्राप्त हुआ था।

[सं. एल-42011/47/2014-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 24th November, 2015

**S.O. 2214.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 70/2014) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Municipal Corporation of Delhi (North) and their workmen, which was received by the Central Government on 23/11/2015.

[No.L-42011/47/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND  
DOGRA, PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-  
LABOUR COURT NO.1, KARKARDOOMA  
COURT COMPLEX, DELHI**

**ID No.70/2014**

The President,  
MCD General Mazdoor Union (Regd.),  
Room No.95, Barack No.1/10,  
Jam Nagar House,  
New Delhi

...Workman

#### Versus

The Commissioner,  
Municipal Corporation of Delhi (North)  
Civic Centre, Minto Road,  
New Delhi

...Management

#### AWARD

Reference under Section 10 of the Industrial Disputes Act (in short the Act) in the present case was received from the appropriate Government, viz. Ministry of Labour and Employment, vide order No.L-42011/47/2014-IR(DU) dated 04.08.2014 for adjudication of the industrial dispute and the same is as under:

“Whether Shri Shiv Kumar, S/o Late Nath Singh is entitled to the status of Chaudhary in the pay scale



of Rs.3050-4590 with effect from 01.01.2000 revised from the time along with all consequential benefits? If not, what directions are necessary in this respect?"

2. It is clear from perusal of the statement of claim that the workman, Shri Shiv Kumar, was initially posted as mali under Rohini Zone, Horticulture Division and thereafter transferred to Civil Lines Zone of Horticulture.

3. It is specifically averred in para 3 of statement of claim that the workman was employed on muster roll as mali in 1983 and was regularized on 01.04.1989. He has been performing the work of Garden Chaudhary with effect from 01.01.2000 as per competent officer(s) of Horticulture Department and with initially posted under Deputy Director of Horticulture, Civil Lines Zone with effect from 01.01.2000. He has now been transferred back to Rohini Zone and continuously working as acting Chaudhary. However, he has been denied pay scale of Chaudhary as revised from time to time. The workman has been performing duty of Chaudhary till date even after transfer from one Zone to the other. Name of the workman is also appearing in list Ex.WW1/2 at Serial No.5 as per office documents prepared by the management.

4. There are averments that MCD has fixed pay scales of other employees, including malis, Chaudhary etc. and non-grant of proper pay scale of Chaudhary to the workman, Shri Shiv Kumar is 'forced labour' and thus amounts to unfair labour practice. In fact, the workman Shri Shiv Kumar has got payment in lower scale of Rs.2550-3200 revised from time to time and has been denied time scale of Garden Chaudhary Rs.3050-4590, which duty he performed since 21.03.1996.

5. It is also averred that Hon'ble High Court of Delhi in the matter of Jai Chand Vs. MCD has directed payment of wages of Garden Chaudhary to those malis who are performing work of Garden Chaudhary vide its order dated 02.05.2003 and in compliance of the said order, management has issued office order No.ADC(Hort)/AO(Hort)/DA-VII/05/457 dated 04.03.2005, Annexure B. There is also reference to the judgement of Hon'ble High Court of Delhi in the case of MCD versus Sultan Singh and others dated 27.07.2011, wherein Hon'ble High Court under similar circumstances while considering question of payment of wages of Garden Chaudhary to those malis who are performing duties and functions of Garden Chaudhary, held that such malis be paid the difference in pay of mali and Garden Chaudhary. The said judgement was also challenged before the Hon'ble Supreme Court of India by filing S.L.P., which was dismissed as withdrawn by the management. Management is now duty bound to pay wages to the workman in the scale of Chaudhary with effect from 21.03.1996.

6. Management failed to put in its presence in spite of issuing several notices, hence the Tribunal had no option but to proceed ex-parte in the matter.

7. The workman, Shri Shiv Kumar, in support of his case, filed his affidavit as evidence, which is Ex.WW1/A and also tendered in evidence some document along with judgements. I would be referring to the same while drawing my conclusion.

9. I have heard Shri B.K. Prasad, A/R for the claimant while none appeared on behalf of the management.

10. It is clear from Annexure A that the workman Shri Shiv Kumar was initially working as mali and from time to time he was transferred. This fact is also duly established from the copy of office order Ex.WW1/2 wherein name of the workman Shri Shiv Kumar finds mention at serial No.5.

11. The only moot point which is required to be considered in the case in hand is whether the workman has been working on the post of Garden Chaudhary since 01.01.2000 and entitled to wages of Garden Chaudhary, as alleged in the statement of claim. In this regard, it is appropriate to refer the statement of claim wherein it is specifically alleged that the workman herein was employed on muster roll in the year 1983 and thereafter was employed on regular basis with effect from 01.01.2000. Workman in order to prove the above averments contained in the statement of claim examined himself as WW1 and tendered in evidence his affidavit, which is Ex.WW1/A, along with documents. Sine none has appeared on behalf of the management, as such management was proceeded ex-parte by order of this Tribunal on 21.01.2015. It is clear from the recital contained in the affidavit that averments contained in the affidavit are on the same lines as those contained in the statement of claim.

12. Main grievance of the workman herein is that he has worked as Garden Chaudhary from 01.01.2000 as ordered by the competent authority of Horticulture Department and initially he was posted under the Deputy Director (Horticulture), Civil Lines and later on he was transferred to Rohini Zone. It was urged on behalf of the claimant that since he was doing work of officiating Chaudhary, as such he was entitled to salary of Garden Chaudhary instead of mali. It is also clear from perusal of Ex.WW1/1 that the name of the workman herein appears at serial No.19 and overall examination of the document shows that it contains list of Chaudharies deployed by the management. There is also a document Ex.WW1/2, which contains names of malis who are doing work of malis in Horticulture Department and name of the workman is at serial No.5 and in the column 'working since' shows that the workman is doing work of Garden Chaudhary since May 2000. There is no evidence led by the management to the contrary so as to show that the workman herein is not entitled for the salary of Garden Chaudhary. During the course of arguments, learned A/R for the claimant placed reliance upon the case of MCD Vs. Sultan Singh and others bearing WP(C) 7947/2010 decided on 27.07.2011 wherein same question was involved. It was a case where workman was allotted duties of Garden Chaudhary though on

substantive rank of Mali. Workman in the present case were claiming wages of Garden Chaudhary as he was performing duties of Garden Chaudhary. Industrial Adjudicator held that workman was entitled to salary of Garden Chaudhary and when the matter was taken to the Hon'ble High Court, it was held as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

13. Learned A/R for the claimant also urged that this judgement of the Hon'ble High was challenged before the Hon'ble Supreme Court by way of SLP, which was dismissed as withdrawn on 09.04.2012. Situation in the case in hand is in no way different from the above cited case. In above case, workmen were initially appointed as Mali and later on they were performing duties of Garden Chaudhary or Garden Supervisor. As such it was held that they are entitled to salary of Garden Chaudhary. There is another authority of the Hon'ble High Court of Delhi titled 'MCD Vs. Satender Singh, which was decided by the Hon'ble High Court on 23.03.2012 wherein similar question was involved and a careful appraisal of the above judgement shows that direct reliance was placed upon judgement in. Sultan Singh and others (supra) and workman was held entitled to the salary of Garden Chaudhary.

14. Law is fairly settled that if a person is working on a higher post, on ad-hoc or temporary post, then such an employee is entitled to the salary/wages of such higher post unless rules or regulations provide otherwise. I find support to this view of mine from the case of Secretary Vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598).

15. As a sequel to my discussion made hereinabove, it is held that the workman Shri Shiv Kumar was doing the work of Garden Supervisor since 01.01.2000 and from that date he is entitled to the wages of Garden Chaudhary and as a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : November 16, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2015

**का.आ. 2215.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुनिसिपल कोर्पोरेशन ऑफ दिल्ली (नोर्थ) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 71/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/11/2015 को प्राप्त हुआ था।

[सं. एल-42011/48/2014-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 24th November, 2015

**S.O. 2215.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 71/2014) of the Central Government Industrial Tribunal-cum-Labour Court-1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Municipal Corporation of Delhi (North) and their workmen, which was received by the Central Government on 23/11/2015.

[No. L-42011/48/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO.1, KARKARDOOMA COURT COMPLEX, DELHI**

**ID No. 71/2014**

Shri B.K. Prasad,  
MCD General Mazdoor Union (Regd.),  
Room No.95, Barack No.1/10,  
Jam Nagar House,  
New Delhi

...Workman

### Versus

The Commissioner,  
Municipal Corporation of Delhi (North)  
Civic Centre, Minto Road,  
New Delhi

...Management

### AWARD

A reference was received by this Tribunal under Section 10(2)(a) read with clause 1(d) of the Industrial Disputes Act, 1947 from the appropriate Government vide letter No.L-42011/48/2014-IR(DU) dated 04.08.2014 to answer the following:

“Whether non-payment of hospital patient care allowance to S/Shri Vishnu Dutt, Suresh Kumar and Sheesh Pal by the management of MCD is just, fair and legal? If not, what relief the workmen concerned are entitled to?

2. Statement of claim was filed by the claimants pleading that they were performing their duties in cremation grounds at Nigambodh Ghat under Health Department of Civil Lines Zone of MCD and are entitled to Patient Care Allowance from the date of their regularization, i.e. 01.04.1994, since they come in contact with patient and their dead bodies. Non-ministerial staff performing their duties under the Health Department of the management are being paid patient care allowance with effect from 01.12.1987 onwards when their services were taken on regular establishment.

3. Claimants, Shri Vishnu Dutt Sharma, Shri Suresh Kumar and Shri Sheesh Pal, all of them beldars, and designated as Group D non-ministerial employees, whose job is connected with the work of dead bodies, i.e. to bring unclaimed bodies from mortuary of hospitals, bringing dead bodies from beggar home, leprosy homes and other places, providing assistance in cremating the bodies etc. The claimants are entitled to patient care allowance with effect from the date of regularization, i.e. 01.04.1994.

4. Despite granting of opportunities, management did not file its written statement. On 21.01.2015 case was called several times at different intervals, but neither the authorized representative nor any officer of the management appeared. At about 3 p.m., the matter was proceeded under Rule 22 of Industrial Disputes (Central) Rules, 1957. Claimant tendered his affidavit as evidence, besides documents and closed his evidence. Evidence of the management was also closed.

5. Arguments were heard at the bar. Shri B.K. Prasad, authorized representative, advanced arguments on behalf

of the claimant. None was present to advance arguments on behalf of the management.

6. On perusal of the records and arguments advanced at the bar, it is clear that the claimants are directly connected with the work of dead bodies. The claimants have relied on award dated 24.02.2005 of Shri P.S. Teji, Presiding Officer, Industrial Tribunal II, Karkardooma Courts, Delhi in ID No.105 of 2003 relating to payment of hospital care allowance to workmen working in electric crematoriums. This award was challenged by the management before the Hon'ble High Court of Delhi in WP(C) 3977/2006 in interim application for stay, i.e. CM Appl. No.2315/2006, which appeal was dismissed by the Hon'ble High Court, holding as under:

“This application is pending for last seven years. No interim stay has been granted till date. Even otherwise, I do not find any, prima facie, case in favour of the petitioner to stay the operation of the impugned award. As per the petitioner, patient care allowance was being given only to the persons who were working in the hospital. Industrial Adjudicator has taken instances where the payments have been made even to the ambulance drivers, who were engaged for bringing dead bodies to the cremation ground. Industrial Adjudicator has further observed that MW1 had admitted in his cross-examination that one Shri Ram Nath, Safai karamchari, was paid the salary from Bela Road Crematorium and was diverted to Sadar Bazar main dispensary and was given patient care allowance. Application is dismissed.”

7. Thus, it is clear from observations made by the Hon'ble High Court hereinabove, that award dated 24.02.2005 passed by the Industrial Adjudicator was upheld. It is further clear that management was directed in the said case to pay hospital care allowance to the workmen. In the case in hand, workman has examined himself as WW1 and tendered in evidence his affidavit as Ex.WW1/A, which is on similar lines as his statement of claim. There is no cross examination of the workman herein as none had appeared on behalf of the management at the time of evidence. Therefore, un-rebutted statement contained in Ex.WW1/A is liable to be accepted. Moreover, as discussed above, on the basis of the award passed by the Industrial Tribunal II, Karkardooma Courts, in ID No.105/2003 titled ‘MCD Vs. Its workman Shri Madan Pal and others’, clearly shows that workmen were held entitled to hospital care allowance and Civil Writ Petition filed against the said judgement was dismissed vide Hon'ble High Court of Delhi order dated 23.08.2013 Ex.WW1/2. Law is very clear that under similar circumstances, when the workman are performing same kind of duties, there cannot be two set of principles in relation to award of their salary and other allowance. Since workmen in the

instant case is performing similar duties directly connected with the work of dead bodies, as such are also entitled to hospital care allowance.

8. As a sequel to my discussion made hereinabove, it is held that the workmen S/Shri Vishnu Dutt, Suresh Kumar and Sheesh Pal are entitled to Hospital Care allowance with effect from 01.01.1994, i.e. the date when they were regularized. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : November 16, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 26 नवम्बर, 2015

**का.आ. 2216.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 19/2007) शुद्धिपत्र प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/2015 को प्राप्त हुआ था। 19वीं पंक्ति के लाइन 3 एवं 9 में उल्लेखित कर्मकार का नाम अशोक कुमार के जगह शैलेन्द्र सिंह के रूप में पढ़ा जा सकता है।

[सं. एल-40012/106/2006-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 26th November, 2015

**S.O. 2216.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of the Award (I.D. No. 19/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 24/11/2015, the name of the workman mentioned as Ashok Kumar, in 3rd and 9th line of para 19 be read as “Shailendra Singh”.

[No. L-40012/106/2006-IR(DU)]

P. K. VENUGOPAL, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

**PRESENT :** Rakesh Kumar, Presiding Officer

**ID No. 19/2007**

Ref. No. L-40012/106/2006-IR(DU)  
dated 14.5.2007

#### BETWEEN:

Sri Shailendra Singh S/o  
Sri Rampal Singh  
Through Sri M.K. Singh,  
R/o A-927/3 A Block  
Indira Nagar, Lucknow

#### And

The Sub Divisional Engineer Phones (Ext.)  
Central, BSNL  
Kaiser Bagh, Lucknow

#### CORRIGENDUM

1. By Order No. L-40012/106/2006-IR(DU) dated 14.5.2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the Sri Shailendra Singh S/o Sri Rampal Singh Through Sri M.K. Singh, R/o A-927/3 A Block Indira Nagar, Lucknow and the Sub Divisional Engineer Phones (Ext.) Central, BSNL Kaiser Bagh, Lucknow for adjudication; and this Tribunal adjudicated the said reference vide its award dated 13.10.2015; wherein some typographical error has been committed in 3rd and 9th line of para 19 of the said award.

2. Therefore, following correction is being incorporated in the award dated 13.10.2015 of this Tribunal :

“The name of the workman, mentioned as “Ashok Kumar”, in 3rd and 9th line of para 19 be read as “Shailendra Singh”.

Lucknow

10.11.2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2217.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 49/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/145/2005-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2217.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court-1,



Dhanbad (Ref. No. 49 of 2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/145/2005-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 49/2006

Employer in relation to the management of Barora  
Area of M/s. BCCL

AND

Their workmen.

**Present :** Sri R. K. Saran, Presiding Officer

#### Appearances :

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 23/09/2015

#### AWARD

By order No. L-20012/145/2005-IR(CM-1) dated 01/06/2006, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

“Whether the action of the management of BCCL, Brora Area-I in dismissing Sh. Raju Bhuia, Miner/Loder from service w.e.f. 22/11/2003 is just, fair and legal? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2218.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के

प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 229/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/371/2001-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2218.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 229/2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/371/2001-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 229/2001

Employer in relation to the management of Damoda  
Colliery of M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

#### Appearances :

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 23/09/2015

#### AWARD

By order No. L-20012/371/2001-IR(C-1) dated 23/10/2001, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

“Whether the failure to provide employment to Sri Durga. Turi dependent Son- in- law of late Sanichar



Turi under 9.5/2 of NCWA-V by the management of Damoda Colliery of M/s BCCL is justified, If not to what relief is the said dependent entitled ?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2219.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 25/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/107/2011-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2219.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 25 of 2012) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/107/2011-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 25 of 2012

Employer in relation to the management of Godhar  
Colliery of M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

#### Appearances :

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri Pintu Mondal, Rep.

State : Jharkhand

Industry : Coal

Dated : 17/09/2015

#### AWARD

By order No.-L-20012/107/2011 IR-(CM-I), dated. 23/02/2012 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal :

#### SCHEDULE

“Whether the action of the management of Godhur Colliery of M/S BCCL in not Providing employment to Chinta Kumari, daughter of Late Baiju Bhuia under the provision of NCWA is fair and justified? To what relief Chinta Kumari, daughter of Late Baiju Bhuia is entitled to ?”

2. The case is received from the Ministry of Labour on 28.03.2012 After receipt of reference, both parties are noticed. The Sponsoring Union files their written statement on 30.04.2012. The management files their written statement -cum-rejoinder on 21.11.2012. No witness examined from both side.

3. The applicant is the daughter of the workman who claimed for compassionate appointment in place of her father who died while in service.

4. The management though admitted regarding the death submits that since the workman was a casual employee, and he died out side the work place, she will not been entitled to any job.

5. The workman admittedly died. He was a wagon loader of coal, the work is hazardous, It cannot be ruled out that due to coal dust etc, the workman, becoming ill and succumbed subsequently.

6. The workman might have suffered and ultimately died . Though there is no provision to give job to the LRs of the deceased employee when he was a casual employee, the present case is different.

7. The management to do well to give the applicant , a consolidated sum of Rs. 30,000/- through A/C payee cheque soon after the publication of the award.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2220.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/

श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 57/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/484/2000-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2220.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 57 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/484/2000-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 57 of 2001

Employer in relation to the management of Bastacolla  
Area of M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

#### Appearances :

For the Employers : Sri D. K. Verma, Advocate

For the Workman : Sri R. R. Ram, Rep.

State : Jharkhand Industry : Coal

Dated : 28/09/2015

#### AWARD

By order No.-L-20012/484/2000 IR-(C-I), dated. 19/02/2001 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

“Whether the action of the management of M/S BCCL in removing the workman Sri Gobardhan Dusadh, Miner Loader, personnel No. 02528669 from service of Chandmari section of Bastacolla Colliery

under Bastacolla Area in justified legal and proper, If not to what relief is the workman entitled?”

2. The case is received from the Ministry of Labour on 08.03.2001 After receipt of reference, both parties are noticed. The Sponsoring Union files their written statement on 28.08.2001. And the management files their written statement -cum-rejoinder on 18.10.2001. One witnesses examined from both side. Document of the workman is marked as W-1 to W-8 and management's document marked as M-1.

3. The workman was dismissed i.e removed from service for improper behavior. The workman took part in enquiry and the allegation were proved.

4. But before this Tribunal the workman admitted that he was indisciplined. Now he says that he is on the street and virtually marrowed and sought the indulgence of this Tribunal.

5. During preliminary hearing this Tribunal considering all aspects of the matter and reveals that he has already out of service for 16 years. It is felt to give another chance to the workman to serve and orders that the workman be taken as a fresh employee in category I on initial basic and he be kept in two years probation. Management is also asked to take an undertaking of good behavior from him.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2221.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 31/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/443/1995-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2221.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 31 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/443/1995-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

**Reference No. 31 of 1997**

Employer in relation to the management of Phularitand  
Colliery of M/s. BCCL

AND

Their workmen

**Present :** Sri Rajan Kumar Saran, Presiding Officer

**Appearances :**

For the Employers : None

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 9/10/2015

**AWARD**

By Order No.L-20012/443/1995-IR (C-I), dated 9/10-01-1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

**SCHEDULE**

“Whether the demand of the union for the placement of/Shri J.N.Rai and 11 others Dumper operators (Given below) in Excavation Grade-A w.e.f. 5/2/1990 with all fringe benefits are justified? If so, to what relief are these workmen entitled?”

**Annexure****Name of workmen**

- |                      |                  |
|----------------------|------------------|
| 1. S/Sh Kapoor Singh | 2. B.M. Singh    |
| 3. H.N. Pandey       | 4. R. A. Prasad  |
| 5. Janardan Singh    | 6. Jagdish Singh |
| 7. Ganesh Ram        | 8. Idrish Khan   |
| 9. R.D. Ojha         | 10. U.P. Singh   |
| 11. Devendra Singh   |                  |

2. After receipt of the reference the parties are noticed. Though they took steps for certain dates, subsequently did not take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime, Hence No Dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2222.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 268/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/353/1993-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2222.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 268 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/353/1994-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

**Reference No. 268 of 1994**

Employer in relation to the management of Gondudih  
Colliery, M/s. BCCL

AND

Their workmen

**Present :** Sri Rajan Kumar Saran, Presiding Officer

**Appearances :**

For the Employers : None

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 12/10/2015

**AWARD**

By Order No. L-20012/353/1993-IR (C-I), dated 21/11/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section

10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

“Whether the action of the management of Gondudih Colliery under Kusunda Area No.6 of M/s. BCCL in denying employment to Smt. Jaswa Kamin W/O Late Tetar Bhuiya, Ex- Miner/Loader of Gondudih Colliery is justified? If not, to what relief Smt. Jaswa Kamin is entitled?”

2. After receipt of the reference the parties are noticed. Though they took steps for certain dates, subsequently did not take any interest in the case. It is presumed that the disputes between parties have been resolved in the meantime. Hence No Dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2223.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 87/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/570/1998-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2223.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 87 of 1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/570/1998-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

#### Reference No. 87 of 1999

Employer in relation to the management of  
Barora Area, M/s. BCCL

AND

Their workmen

**Present :** Sri Rajan Kumar Saran, Presiding Officer

#### Appearances :

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated : 9/10/2015

#### AWARD

By Order No.L-20012/570/1998-IR (C-I), dated 17/05/1999, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

“Whether the action of the management of BCCL in dismissing Sri Bhdhu Bihari Prasad on the allegation that he was an impersonator after 13 years of service is justified? If not, to what relief the concerned workman is entitled?”

2. After receipt of the reference the parties are noticed. Though they took steps for certain dates, subsequently did not take any interest in the case by the workman. It is presumed that the disputes between parties have been resolved in the meantime. Hence No Dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2224.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 109/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/105/1993-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2224.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 109 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/105/1993-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

**Reference No. 109/1994**

Employer in relation to the management of  
Block-II Area (O.C.P.), M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

**Appearances :**

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 4/9/2015

**AWARD**

By order No. L-20012/105/ 1993 /IR (C-1), dated 28/04/1994, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

“Whether the demand of the union for regularization of the services of Sh. Kesho Bhuiya, Trammer as Tyre Fitter by the management of Block II OCP of M/S BCCL is justified? If so, to what relief is the concerned workman entitled and from what date?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2225.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 13/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/299/2002-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2225.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 13 of 2004) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/299/2002-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

**Reference No. 13/2004**

Employer in relation to the management of  
Fularitand Colliery, M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

**Appearances :**

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated : 12/10/2015

**AWARD**

By order No. L-20012/299/2002-IR(C-1) dated 23/12/2003, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

“क्या बिहार कोलियरी मजदूर संघ की भारत कोकिंग कोल लिमिटेड, बरारी क्षेत्र-1 के प्रबंधन से मांग की कर्मकार श्री चंद्रदेव दास, फुलारी डांड कोलियरी को, उनके सेवा रिकार्डों में दर्ज जन्म तारीख 31.05.1943 को सही न मानते हुए, आयु निर्धारण के लिए सर्वोच्च चिकित्सा बोर्ड/आयु निर्धारण समिति के समक्ष प्रस्तुत किया जाए उचित एवंन्यायसंगत है ? यदि हाँ तो कर्मकार किस राहत के पात्र हैं ?”



2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2226.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 99/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/456/1993-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2226.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 99 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/456/1993-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

#### Reference No. 99/1994

Employer in relation to the management of Moonidih Colliery, M/s. BCCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

#### Appearances :

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated : 28/8/2015

#### AWARD

By order No. L-20012/456/ 1993 /IR (C-1) dated 8/04/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

#### SCHEDULE

“Whether the action of the management of Moonidih Colliery of M/s BCCL, P.O. Moonidih, Distt. Dhanbad in dismissing/terminating the services of Shri Binod Bouri, PRM w.e.f. 6/9.10.91 from the company is justified ? If not, to what relief the workman is entitled ?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence, No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

**का.आ. 2227.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 223/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2015 को प्राप्त हुआ था।

[सं. एल-20012/230/1994-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

**S.O. 2227.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 223 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 15/11/2015.

[No. L-20012/230/1994-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of  
I.D. Act, 1947

**Reference No. 223/1994**

Employer in relation to the management of  
Churi Colliery of M/s. CCL

AND

Their workmen

**Present :** Sri R. K. Saran, Presiding Officer

**Appearances :**

For the Employers : Sri D. K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated : 25/8/2015

**AWARD**

By order No. L-20012/230/ 1994 /IR (C-1) dated 31/08/94, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

“Whether action of management of Churi Colliery of N.K. Area of M/s. Central Coalfields Ltd. P.O. Churi, Distt. Ranchi is justified in dismissing from the services w.e.f. 14/08/91 the workman Shri Jharia Pahan, Ex-loader of Churi Colliery If not to what relief the workman is entitled ?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence, No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer